

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4037-01
Bill No.: HB 1686
Subject: Alcohol; Boats and Watercraft; Crimes and Punishment; Water Patrol.
Type: Original
Date: February 25, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Mental Health Earnings	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation would require persons guilty of boating while intoxicated to complete the substance abuse traffic offender program (SATOP).

CTS states there is a potential for a caseload increase if the water patrol determines that completion of SATOP is a positive step for those convicted, but the increase would not be great and would be confined to those courts near the major waterways and lakes. Some cases may become protracted.

CTS states, in all, they would not expect a fiscal impact on the judiciary.

Officials from the **Department of Mental Health (DMH)** state the proposed legislation would increase the number of individuals participating in the SATOP program by adding a new class of offenders, those boating while intoxicated (BWI). Based on the BWI arrests over the last several years there would be approximately 528 more individual participating in the SATOP program annually.

DMH states that each of the BWI offenders entering the SATOP program would pay the supplemental fee of \$60. This fee, less 2% retained by the SATOP provider, is transferred to the Mental Health Earnings Fund (MHEF). This fund is utilized to cover any additional costs to treat BWI offenders in the more intensive and more costly intervention (WIP) and treatment (CIP) programs who cannot pay the cost by themselves. Therefore, additional proceeds going into the MHEF fund will be absorbed into current MHEF funding structure.

DMH states there will not be a net additional program cost to the Mental Health Earnings Fund for the boating while intoxicated (BWI) offenders going through the "Intervention (WIP)" and "Treatment (CIP)" that do not pay the full costs of the program. DMH assumes there will not be a separate curriculum required for the BWI offenders, rather modifications would be made to the existing Substance Abuse Traffic Offender Program (SATOP) curriculum.

Officials from the **Office of Prosecution Services** assume any costs arising from this proposal could be absorbed by existing resources.

Officials from the **Office of the State Public Defender** and the **Department of Public Safety - Divisions of the Missouri Water Patrol** and the **Missouri Highway Patrol** each assume this proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

Oversight assumes the additional revenues going into the Mental Health Earnings Fund each year as a result of this proposal would be \$31,046 (528 offenders x \$60 fee x 98% retained).

Oversight also assumes this same amount would be expended out of the fund to cover expenses of the programs not covered by the offenders. Oversight assumes 10/12 of these amounts in the first fiscal year.

This proposal could impact Total State Revenues.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
MENTAL HEALTH EARNINGS FUND			
<u>Income</u> - \$60 fee charged to assumed 528 new offenders per year	\$25,872	\$31,046	\$31,046
<u>Expense</u> - Fee used to cover SATOP program expenses	<u>(\$25,872)</u>	<u>(\$31,046)</u>	<u>(\$31,046)</u>
ESTIMATED NET EFFECT TO MENTAL HEALTH EARNINGS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

Currently, persons who plead guilty or are found guilty of driving while intoxicated and driving with excessive blood alcohol content are required to successfully complete a substance abuse traffic offender program, pay the fees required for the program, and pay a supplemental fee of \$60 to the Division of Alcohol and Drug Abuse within the Department of Mental Health. This proposal applies these requirements to persons who plead guilty or who are found guilty of reckless and drunken

operation or use of boats or skis, negligent operation of a vessel, and operating a vessel with excessive blood alcohol content.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety

Missouri Water Patrol

Missouri Highway Patrol

Department of Mental Health

Office of the State Courts Administrator

Office of Prosecution Services

Office of the State Public Defender



Mickey Wilson, CPA
Acting Director
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